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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

MARKIECE PALMER,	)	
	)	
Petitioner,	)	3:18-cv-00245-HDM-VPC
	)	
vs.	)	<b>ORDER</b>
	)	
TIMOTHY FILSON, <i>et al.</i> ,	)	
	)	
Respondents.	)	
	/	

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This action is a petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, by Markiece Palmer, a Nevada prisoner.

On June 6, 2018, this court entered an order directing Palmer to pay the \$5.00 filing fee to initiate this proceeding and to file his habeas petition on this court’s approved form. ECF No. 3. Palmer has complied with both directives. ECF Nos. 6/7.

The court has reviewed Palmer’s petition, pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts, and finds that it merits service upon the respondents. Respondents will not be required to respond to the petition at this time, however, as the court anticipates that, with counsel, Palmer will likely file an amended petition.

In addition, Palmer has filed a motion for appointment of counsel. “Indigent state prisoners applying for habeas corpus relief are not entitled to appointed counsel unless the circumstances of a particular case indicate that appointed counsel is necessary to prevent due process violations.”

1 *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986) (citing *Kreiling v. Field*, 431 F.2d 638, 640  
2 (9th Cir.1970) (per curiam). The court may, however, appoint counsel at any stage of the  
3 proceedings “if the interests of justice so require.” *See* 18 U.S.C. § 3006A; *see also* Rule 8(c), Rules  
4 Governing § 2254 Cases; *Chaney*, 801 F.2d at 1196. It appears likely that there will be relatively  
5 complex issues to be addressed in this case, and it appears that Palmer may not be able to adequately  
6 litigate those issues without counsel. Therefore, the court finds that appointment of counsel is in the  
7 interests of justice.

8 **IT IS THEREFORE ORDERED** that the Clerk of the Court shall file the motion for  
9 appointment of counsel (but not the habeas petition) currently attached to the *in forma pauperis*  
10 application at ECF No. 1.

11 **IT IS FURTHER ORDERED** that the Clerk shall add Adam Paul Laxalt, Attorney General  
12 of the State of Nevada, as counsel for respondents.

13 **IT IS FURTHER ORDERED** that the Clerk shall electronically serve upon respondents a  
14 copy of the petition for writ of habeas corpus (ECF No. 7) and a copy of this order.

15 **IT IS FURTHER ORDERED** that respondents shall have 20 days from the date on which  
16 the petition is served upon them to appear in this action. Respondents will not be required to  
17 respond to the habeas petition at this time.

18 **IT IS FURTHER ORDERED** that petitioner’s motion for appointment of counsel is  
19 GRANTED. The Federal Public Defender for the District of Nevada (FPD) is appointed to represent  
20 petitioner. If the FPD is unable to represent the petitioner, due to a conflict of interest or other  
21 reason, then alternate counsel will be appointed. In either case, counsel will represent the petitioner  
22 in all federal-court proceedings relating to this matter, unless allowed to withdraw.

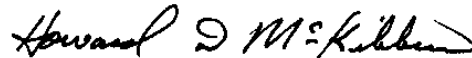
23 **IT IS FURTHER ORDERED** that the Clerk shall electronically serve upon the FPD a copy  
24 of this order, together with a copy of the petition for writ of habeas corpus (ECF No. 7).

1       **IT IS FURTHER ORDERED** that the FPD shall have 20 days from the date of entry of this  
2 order to file a notice of appearance, or to indicate to the court its inability to represent the petitioner  
3 in this case.

4       **IT IS FURTHER ORDERED** that the court will establish a schedule for further  
5 proceedings after counsel appear for the petitioner and the respondents.

6       **IT IS FURTHER ORDERED** that petitioner's "request for writ of coram nobis" (ECF No.  
7 4) and "request for judicial notice" (ECF No. 5) are DENIED.

8       Dated this 3<sup>rd</sup> day of July, 2018.

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11       UNITED STATES DISTRICT JUDGE  
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